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VIA ECF

The Honorable Katherine Polk Failla
United States District Court
for the Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 2103
New York, NY 10007

Re: Murray v. UBS Securities LLC and UBS AG, Case No. 14 Civ. 0927 (KPF)

Dear Judge Failla:

We represent Defendants UBS Securities LLC and UBS AG in the above-referenced matter. We write to respectfully request an Order instructing Plaintiff's counsel not to communicate with Plaintiff, Trevor Murray, regarding the substance of his testimony while Plaintiff is under oath. *Morgan v. Bennett*, 204 F.3d 360, 365 (2d Cir. 2000) ("[M]ost witnesses may be ordered not to confer with counsel during an interval in which their trial testimony is interrupted") (citing *Geders v. United States*, 425 U.S. 80 (1976), and *Perry v. Leeke*, 488 U.S. 272 (1989)). Restraining Plaintiff's communication with his counsel in this manner is necessary to "prevent improper attempts to influence [his] testimony in light of the testimony already given." *Id.* (quoting *Geders*, 425 U.S. at 87). Moreover, if cross-examination of Plaintiff is interrupted by the live testimony of Plaintiff's expert witness—as Plaintiff's counsel indicated today might be the case—it will be even more important to restrain any effort to "tailor[]" Plaintiff's testimony to that of his expert witness. *Id.*

Respectfully submitted,

/s/ Gabrielle Levin
Gabrielle Levin

cc: Counsel of Record